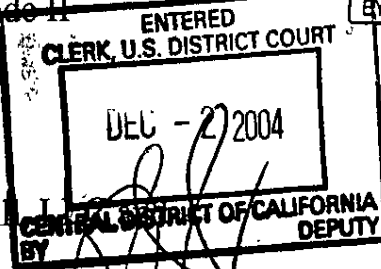
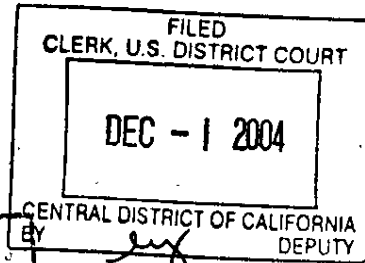


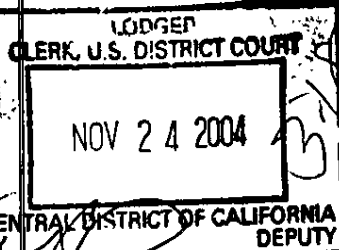
Jay M. Spillane (Bar No. 126364)  
 Raul Perez (Bar No. 174687)  
 FOX & SPILLANE LLP  
 1880 Century Park East, Suite 1004  
 Los Angeles, California 90067  
 (310) 229-9300  
 (310) 229-9380 (fax)

John P. Flynn (AZ. Bar No. 015065)  
 TIFFANY & BOSCO, P.A.  
 Third Floor Camelback Esplanade II  
 2525 East Camelback  
 Phoenix, Arizona 85016  
 (602) 255-6020  
 (602) 255-0103 (fax)

Attorneys for Defendants CCBill  
 CWIE, LLC



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☐ JS-2/JS-3



UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

NOTE CHANGES MADE BY THE COURT.

PERFECT 10, INC., a California  
 corporation,

Plaintiff,

v.

CCBILL, LLC, at al.,

Defendants.

NOTE CHANGES MADE BY THE COURT.  
 Case No. 02 7624 LGB (SHx)

~~Proposed~~ JUDGMENT

NOTE CHANGES MADE BY THE COURT.

273

1 On June 22, 2004 the Court entered its "Order Granting in Part, and Denying in  
 2 Part, Defendants' Motions for Summary Judgment." Pursuant to that Order, the Court  
 3 granted summary judgment in favor of Defendants CCBill, LLC ("CCBill") and  
 4 CWIE, LLC ("CWIE") on Plaintiff Perfect 10, Inc.'s ("Perfect 10's") First  
 5 (Copyright), Sixth (Unfair Competition), Seventh (False Advertising), Eighth (RICO)  
 6 and Ninth (RICO) Claims for Relief.

7 On November 9, 2004 the Court entered its "Order Granting Plaintiff's Motion  
 8 for an Order to Dismiss Under FRCP Rule 41." Pursuant to that Order, the Court  
 9 dismissed, without prejudice, Perfect 10's Second (Trademark Infringement), Third  
 10 (Trademark Disparagement), Fourth (Wrongful Use of a Registered Mark) and Fifth  
 11 (Rights of Publicity) Claims for Relief against CCBill and CWIE, on the condition  
 12 that Perfect 10 is not to reinstate these claims against CCBill or CWIE unless Perfect  
 13 10 succeeds on its appeal of its copyright claims.

14 All of the issues in the case relating to CCBill and CWIE having been duly  
 15 heard, and decisions thereon having been duly rendered,

16 It is ORDERED and ADJUDGED:

17 With respect to Perfect 10's First (Copyright), Sixth (Unfair Competition),  
 18 Seventh (False Advertising), Eighth (RICO) and Ninth (RICO) Claims for Relief,  
 19 Perfect 10 shall take nothing, the claims are dismissed on the merits, and judgment is  
 20 rendered in favor of CCBill and CWIE on those claims.

21 With respect to Perfect 10's Second (Trademark Infringement), Third  
 22 (Trademark Disparagement), Fourth (Wrongful Use of a Registered Mark) and Fifth  
 23 (Rights of Publicity) Claims for Relief against CCBill and CWIE, the claims are  
 24 dismissed without prejudice, on the condition that Perfect 10 is not to reinstate these  
 25 claims against CCBill or CWIE unless Perfect 10 succeeds on its appeal of its  
 26 copyright claims. As to these claims, each party is to bear its own attorneys fees.

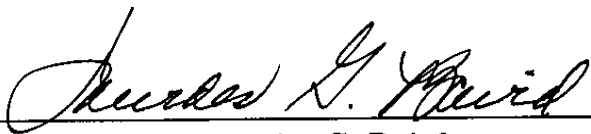
27 ~~CCBill and CWIE shall recover their costs of the action in the sum of~~

28 ~~\$\_\_\_\_\_.~~

1 ~~CCBill and CWIE are also awarded attorneys fees pursuant to the First Claim~~  
2 ~~for Relief (Copyright) in the sum of \$\_\_\_\_\_.~~ *B*

3 The Court determines pursuant to Rule 54(b) of the Federal Rules of Civil  
4 Procedure that there is no just reason for delay and expressly directs that judgment be  
5 entered as set forth above. SCANNED

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8 Dated: November 20, 2004

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11 Hon. Lourdes G. Baird  
12 United States District Court Judge  
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## PROOF OF SERVICE

STATE OF CALIFORNIA )  
 ) ss  
 COUNTY OF LOS ANGELES )

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Fox & Spillane LLP, 1880 Century Park East, Suite 1004, Los Angeles, California 90067. On November 24, 2004, I served the within documents:

**[PROPOSED] ORDER**

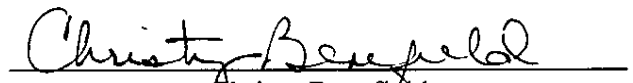
- ☐ I sent such document from facsimile machine (310) 229-9380 on November 24, 2004. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (310) 229-9380 which confirms said transmission and receipt. The transmission was reported as complete and without error. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Los Angeles, California, addressed as set forth below.
- ☐ by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.

***See Attached Service List***

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury in accordance with the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, and that I am employed in an office of a member of the Bar of the Court at whose direction this service was made.

Executed on November 24, 2004, at Los Angeles, California.

  
 Christy Benefield

SERVICE LIST  
PERFECT 10, INC. v. CCBILL, LLC, et al.  
Case No. 02 7624 LGB (SHx)

SCANNED

Ronald L. Johnston, Esq. Sean Morris, Esq. <b>Arnold &amp; Porter LLP</b> 777 South Figueroa Street Forty-Fourth Floor Los Angeles, CA 90017-5844	Counsel for Plaintiff PERFECT 10, INC.  Telephone: (213) 243-4000 Facsimile: (213) 243-4199  Via First Class Mail
Jeffrey N. Mausner, Esq. <b>Berman, Mausner &amp; Resser</b> 11601 Wilshire Blvd., Ste. 600 Los Angeles, CA 90025-1742	Counsel for Plaintiff PERFECT 10, INC.  Telephone: (323) 965-1200 Facsimile: (323) 965-1919  Via Facsimile
Daniel J. Cooper, Esq. 72 Beverly Park Drive Beverly Hills, CA 90210	Counsel for Plaintiff PERFECT 10, INC.  Telephone: (310) 205-9640 Facsimile: (310) 205-9641  Via First Class Mail
John P. Flynn, Esq. <b>Tiffany &amp; Bosco, P.A.</b> Third Floor Camelback Esplanade II 2525 East Camelback Phoenix, AZ 85016	Co-counsel for Defendant CCBill/CWIE  Telephone: (602) 255-6000 Facsimile: (602) 255-0103  Via Facsimile
Susan McDermott Mercer, Esq. <b>Buchalter, Nemer, Fields &amp; Younger</b> 601 S. Figueroa Street, Ste. 2400 Los Angeles, CA 90017-5704	Counsel for Defendant CLARENCE COOGAN  Telephone: (213) 891-0700 Facsimile: (213) 896-0400  Via First Class Mail